

CARIBBEAN NATIONAL FOREST WILDERNESS ACT OF 2002

APRIL 16, 2002.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. HANSEN, from the Committee on Resources,
submitted the following

R E P O R T

together with

ADDITIONAL VIEWS

[To accompany H.R. 3955]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 3955) to designate certain National Forest System lands in the Commonwealth of Puerto Rico as components of the National Wilderness Preservation System, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Caribbean National Forest Wilderness Act of 2002”.

SEC. 2. WILDERNESS DESIGNATION, CARIBBEAN NATIONAL FOREST, PUERTO RICO.

(a) EL TORO WILDERNESS.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 113 et seq.), the approximately 10,000 acres of land in the Caribbean National Forest/Luquillo Experimental Forest in the Commonwealth of Puerto Rico that were proposed for wilderness classification in the revised land and resource management plan for the Caribbean National Forest/Luquillo Experimental Forest, approved April 17, 1997, are hereby designated as wilderness and, therefore, as a component of the National Wilderness Preservation System. The designated lands shall be known as the El Toro Wilderness.

(b) WILDERNESS BOUNDARIES.—The El Toro Wilderness shall consist of those lands that were proposed for wilderness classification in the management plan referred to in subsection (a), except that the Secretary of Agriculture shall locate the boundaries of the wilderness area so that existing municipal water intakes will not be within the wilderness boundaries and the boundaries shall be located at least 600 feet west of Highway PR 191 from Kilometer 6.5 to Kilometer 12.0.

(c) MAP AND DESCRIPTION.—

(1) PREPARATION AND SUBMISSION.—As soon as practicable after the date of the enactment of this Act, the Secretary of Agriculture shall prepare a map and a boundary description of the El Toro Wilderness and submit the map and boundary description to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate. The map and boundary description shall be on file and available for public inspection in the office of the Chief of the Forest Service.

(2) TREATMENT.—The map and boundary description prepared under paragraph (1) shall have the same force and effect as if included in this Act. The Secretary may correct clerical and typographical errors in the map and description.

(d) ADMINISTRATION.—Subject to valid existing rights, the Secretary of Agriculture shall administer the El Toro Wilderness in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and this Act. With respect to the El Toro Wilderness, any reference in the Wilderness Act to the effective date of the Wilderness Act shall be deemed to be a reference to the date of the enactment of this Act.

(e) SPECIAL MANAGEMENT CONSIDERATIONS.—Designation of the El Toro Wilderness, and the applicability of the Wilderness Act to the wilderness area, shall not be construed to prevent any of the following activities, subject to such conditions as the Secretary of Agriculture considers desirable, within the boundaries of the wilderness area:

(1) Installation and maintenance of hydrologic, meteorological, climatological, or atmospheric data collection and transmission facilities, or any combination of such facilities, when the Secretary determines that—

(A) such facilities are essential to the scientific research purposes of the Luquillo Experimental Forest; and

(B) the scale and scope of the facility development are not detrimental to the wilderness characteristics of the wilderness area.

(2) Construction and maintenance of nesting structures, observation blinds, and population monitoring platforms for threatened and endangered species.

(3) Construction and maintenance of trails to such facilities as necessary for research purposes and for the recovery of threatened and endangered species.

PURPOSE OF THE BILL

The purpose of H.R. 3955 is to designate certain National Forest System lands in the Commonwealth of Puerto Rico as components of the National Wilderness Preservation System, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 3955, the Caribbean National Forest Wilderness Act of 2002, would designate approximately 10,000 acres of land in the Caribbean National Forest/Luquillo Experimental Forest (CNF/LEF) in the Commonwealth of Puerto Rico as a federally designated wilderness area to be known as the “El Toro Wilderness.”

Lands designated under this act are some of the most pristine lands of the CNF, and include habitat of rare wildlife species such as the Puerto Rican Parrot, Puerto Rican Boa, the Puerto Rican Sharp-shinned Hawk, and the Puerto Rican Broad-winged Hawk. Several species of bats are common to the area, and 77 species of birds are present. Snails, crabs, fresh water shrimp and 7 species of fish are found in the streams. Vegetation is made up of a dense, mixed evergreen forest of over 200 native tree species.

Views over the forest present a mosaic of emerald colors and crowned tree shapes, and 3 major rivers descend over spectacular falls and through jagged canyons. The CNF is the only tropical rain forest within the U.S. National Forest System. The average rainfall ranges from 225 cm at low elevations to 460 cm at elevations 1000 meters above sea level.

These lands were originally proclaimed as a forest reserve while under Spanish rule in 1876, and surrounding acreage was subse-

quently added to these so called “Crown Lands” by the Forest Service starting in 1931. These lands were proposed for Wilderness classification in the revised land and resource management plan for the CNF approved by the U.S. Forest Service on April 17, 1997.

H.R. 3955 authorizes non-conforming uses within the proposed wilderness area, including the construction of facilities for wildlife recovery, viewing and other related purposes. Within its boundaries are five miles of administrative trails and six miles of unpaved recreational trails including the El Toro National Trail and the Trade Winds National Trail.

COMMITTEE ACTION

H.R. 3955 was introduced on March 13, 2002 by Congressman Aníbal Acevedo-Vilá (D-PR), and was referred to the Committee on Resources. On March 15, 2002, the bill was referred within the Committee to the Subcommittee on Forests and Forest Health. On March 20, 2002, the Full Committee met to mark up the bill, and the Subcommittee was discharged from further consideration of the bill by unanimous consent. An amendment was offered by Mr. Acevedo-Vilá to clarify the facilities which may be installed within the wilderness area, which was agreed to by unanimous consent. No further amendments were offered and the bill, as amended, was then ordered favorably reported to the House of Representatives by unanimous consent.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources’ oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 and Article IV, section 3 of the Constitution of the United States grant Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. General Performance Goals and Objectives. This bill does not authorize funding and therefore, clause 3(c)(4) of rule XIII of the Rules of the House of Representatives does not apply.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and

section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 3, 2002.

Hon. JAMES V. HANSEN,
*Chairman, Committee on Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3955, the Caribbean National Forest Wilderness Act of 2002.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Megan Carroll.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

H.R. 3955—Caribbean National Forest Wilderness Act of 2002

CBO estimates that enacting H.R. 3955 would have no significant impact on the federal budget. The bill would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. H.R. 3955 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would have no significant impact on the budgets of state, local, or tribal governments.

H.R. 3955 would designate as wilderness approximately 10,000 acres of lands within the Caribbean National Forest/Luquillo Experimental Forest, located in Puerto Rico. Based on information from the Forest Service, CBO estimates that the agency's costs to manage lands within the proposed wilderness would increase by about \$35,000 a year, assuming appropriation of the necessary amounts. According to the agency, the affected lands currently generate no receipts, and the agency does not expect the lands to generate significant receipts over the next 10 years; hence, we estimate that designating those lands as wilderness would not affect offsetting receipts.

The CBO staff contact for this estimate is Megan Carroll. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

ADDITIONAL VIEWS OF CONGRESSMAN ANÍBAL ACEVEDO-VILA

I first want to thank Chairman James Hansen, Ranking Member Nick Rahall, Subcommittee Chairman Scott McInnis and Subcommittee Ranking Member Jay Inslee, and all of my colleagues who have cosponsored this legislation. The Caribbean National Forest Wilderness Act of 2002 (H.R. 3955) designates 10,000 acres of land in the Caribbean National Forest/Luquillo Experimental Forest (CNF/LEF) in the Commonwealth of Puerto Rico. These lands were proposed for Wilderness classification in the revised land and resource management plan for the CNF/LEF, approved April 17, 1997. The designated lands shall be known as El Toro Wilderness.

The 10,000 acres of land to be designated "El Toro Wilderness" under this act make up some of the most pristine lands of the Caribbean National Forest (CNF), lands that are steeped in history. These lands were proclaimed as a forest reserve under Spain in 1876, and surrounding acreage was subsequently added to these so called "Crown Lands" by the Forest Service starting in 1931.

I introduced this legislation to forever protect these lands for generations to come. I have received unanimous local support for this proposal and ask my colleagues on the Committee to support the bill.

The lands have been considered for wilderness in the past, but unfortunately no congressional designation has resulted. In 1966, the Forest Service proposed 6,200-acre wilderness within an inventory area of 8,500 acres. In 1979, a 9,700-acre area was recommended for wilderness designation under the Forest Service RARE II process. In 1986, 5,300 acres were recommended for wilderness further study and designation. All such recommendations involved lands within the proposed El Toro Wilderness.

The El Toro Wilderness area is located in the western half of the CNF. El Toro peak, the highest point in the CNF, is within these lands. The CNF is the only tropical rain forest within the U.S. National Forest System. The average rainfall ranges from 225 cm at low elevations to 460 cm at elevations 1000 meters above sea level.

Visitors cherish the solitude and serenity of these lands. The area offers adventure and opportunity to be amongst nature in a rare and beautiful state. Most of the area offers a high degree of solitude to the visitor. The natural integrity of these areas is very high. The scenery is spectacular and the grandeur of tropical vegetation can be appreciated from peaks both within and outside the area.

There are endangered and rare plant species in the area, as well as endangered wildlife including the Puerto Rican Parrot, Puerto Rican Boa, the Puerto Rican Sharpshinned Hawk, and the Puerto Rican Broad-winged Hawk. The parrot occurs nowhere else in the world but in the forest, and nests in the area.

Enactment of this legislation will help secure and protect this wilderness area for nearly 4 million Puerto Ricans and the hundreds of thousands of tourists who visit Puerto Rico annually. Furthermore, wilderness designation in CNF would create the only tropical forest wilderness in the U.S. National Forest System, and would be the only U.S. wilderness outside Hawaii that encompasses a tropical forest ecosystem.

I greatly appreciate the support given to this legislation by the Resources Committee leadership and staff. The enactment of the Caribbean National Forest Wilderness Act of 2002 will protect the cherished lands known as El Toro Wilderness for generations to come.

ANÍBAL ACEVEDO-VILÁ.

